

REPORT TO: STRATEGY AND RESOURCES COMMITTEE
Date: 2nd November 2020
TOPIC: Review of North Devon and Torridge Local Plan 2011 – 2031
REPORT BY: HEAD OF PLACE

1 INTRODUCTION

- 1.1 The North Devon and Torridge Local Plan 2011 – 2031 (the “Local Plan”) was adopted by both District Councils on 29th October 2018.
- 1.2 Although the Local Plan was adopted only two years ago, the local context for it has changed substantially, across a number of key policy areas, since the Councils first started to prepare this document approximately ten years ago. These differences include changing patterns for use of town centres, increasing priority for carbon saving, increasing house prices relative to incomes and consequently their unaffordability for many local households along with potential structural shifts due to Covid-19. There have also been significant changes in national planning policy including affordable housing thresholds, national design guidance and a new National Planning Policy Framework (2018 & 2019). It is worth noting that the Local Plan was examined against the requirement of the 2012 National Planning Policy Framework.
- 1.3 Also, since the adoption of the Local Plan in 2018, there have been some significant changes in the policy context for a Local Plan including:
- Local declarations of Climate and Biodiversity emergencies;
 - Impacts of Covid-19;
 - Funding for improvements to the North Devon Link Road (A361);
 - The Environment Bill and 25 year Environment Plan;
 - Reforms to the Use Classes Order and expansion of simplified routes to consent (prior approvals);
 - Proposed changes to the standard housing methodology and affordable housing thresholds; and
 - Proposed significant reforms the planning system and the content of Local Plans.
- 1.4 National planning policy (Paragraph 33, National Planning Policy Framework) requires a review of a Local Plan to be completed within 5 years of its adoption in order to assess whether it needs updating. However, local planning authorities are entitled to undertake an earlier review should they wish to do so. National policy

goes on to set out that a review should take into account any changing circumstances affecting an area, along with any relevant changes to national policy.

- 1.5 In its consultation on proposed changes to the planning system in early 2020, the Government set out a deadline of December 2023 for all local planning authorities to have an up-to-date local plan (Planning for the Future; March 2020). By virtue of the date of adoption of the existing Local Plan, along with the changes that have taken place and are likely to take place in the intervening years, it is unlikely that it will be possible to consider the Local Plan to be up-to-date at that point in time.
- 1.6 In August 2020, the joint Local Plan Working Group endorsed the move towards a formal review and comprehensive update of the Local Plan. It was agreed that associated reports be prepared, in parallel and in a consistent manner, for consideration by both Councils in order to agree the scope and arrangements for the Local Plan review. The review of the Local Plan has also been identified as an action in the recently adopted Strategic Plan 2020-2023 for Torridge.

2 RECOMMENDATIONS

To recommend for Council to:

- 2.1 Commit to working in partnership with Torridge District Council to carry out a comprehensive review and update of the North Devon and Torridge Local Plan on a joint basis.
- 2.2 Review the governance arrangements for the preparation of the Local Plan to ensure inclusive, effective and efficient oversight and engagement.
- 2.3 Review the Local Development Scheme in partnership with Torridge District Council.
- 2.4 Arrange Member workshops to enable early involvement in identifying key issues and potential options to be addressed through a new Local Plan.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To agree the principles for the local plan review.
- 3.2 To formalise future arrangements for working in partnership with Torridge District Council for the purposes of plan making.
- 3.3 To agree and publicise the proposed timetable for the Local Plan review and update.

4 REPORT

- 4.1 The first stage in reviewing the Local Plan requires a formal decision by each Council to agree the two following fundamental principles:

A – To continue to work in partnership and to commit to the review and update of the North Devon and Torridge Local Plan on a joint basis

- 4.2 Working jointly on a joint Local Plan brings many potential advantages. Financial benefits would include:
- a) facilitating budget efficiency by providing opportunities for financial savings, such as through the shared appointment of consultants for specialist advice;
 - b) sharing the cost of a future Local Plan examination;
 - c) optimising use of existing staff resources within two small teams and reducing the need for significant additional capacity by making best use of expertise within both authorities and reducing duplication of effort.
- 4.3 Wider strategic benefits would include:
- a) enabling delivery of a holistic strategy across the whole of northern Devon, offering the opportunity to plan strategically, whilst maintaining the ability to recognise local distinctiveness and plan for locally specific approaches tailored to individual places;
 - b) facilitating common and integrated approaches by both districts to shared issues, such as issues around the Taw-Torridge estuary;
 - c) assisting partner organisations, agencies and service providers by enabling them to respond to a joint plan, rather than having to respond separately to differing plans and approaches from each Council;
 - d) assisting local businesses, developers and investors by providing common policies and approaches across the two districts; and
 - e) providing a stronger voice for northern Devon when seeking to influence or take advantage of opportunities.

The benefits would appear to be clear cut, with any disadvantages hard to identify.

B – To establish and agree the scope of the Local Plan update

- 4.4 It is proposed to update the whole Local Plan. It is anticipated that a fundamental review and update will be required in order to address the significant changes in the local and national context that have occurred since the preparation of the existing local plan; including changes to local ambitions, the climate emergency, changes to our town centres and retailing and national planning reforms. It may also be necessary to take account of more fundamental planning reforms, as proposed by the Government's White Paper during the lifetime of the review. It is possible that the new Local Plan will be significantly different from the existing one in terms of its form, scope and content.
- 4.5 One alternative would be to review a particular section of the existing Local Plan, such as an update to the Development Management policies (Part 3). However, Officers are of the opinion, a view endorsed by the Local Plan Working Group, that a partial review would not be able to address adequately the new strategic issues identified. Additionally, such an approach would prevent the introduction of new policies that may affect viability of development (such as stronger design standards) until the other policies (such as the percentage of affordable housing required) were also reviewed.

- 4.6 A further alternative would be a separate Development Plan Document to provide additional 'climate change' policies alongside those in the adopted Local Plan and carrying equivalent weight to them. Whilst this approach may be able to contribute to addressing the climate and biodiversity emergencies, it would not address wider issues. Equally, the scope for potential change or additions to policy to address these matters is again likely to be extremely limited due to the need to not adversely affect the viability of development (i.e. it would be unlikely to be possible to require solar panels on new dwellings). It would also not allow the Councils to position itself effectively to take account of the proposed planning reforms. As such Officers do not recommend this course of action.
- 4.7 The 2016 Local Development Scheme indicated the preparation of a separate Traveller Site Allocations DPD. Should a comprehensive plan update be undertaken, the provisions for the future needs of travellers would likely be required to be incorporated into the scope of a new Local Plan, as an effective alternative to continuing with the preparation of a separate DPD.
- 4.8 Consequently, an update of the whole Local Plan is considered to be necessary and preferable to a partial review, or single issue revision.

The Way Forward

- 4.9 Once the key principles underpinning a Local Plan review have been agreed by both Councils, a range of actions will be required as part of the early stages of plan preparation.

Project Planning

- 4.10 It will be necessary to develop a detailed work programme and consider resource requirements including staffing, equipment and revenue budgets necessary to fulfil commitments and delivery ambitions. A range of evidence base documents will be required to inform policy making, some of which will need to be commissioned from consultants – recognising the need for specialist expertise. Procurement will be in accordance with normal procurement rules and procedures, albeit most of it will need to be commissioned and funded jointly by the two Councils. An indicative list of evidence documents is set out in Appendix A of this report, however the full range of reports required will depend on the outcomes of detailed project planning, local ambitions and future planning reforms.

Timetable

- 4.11 Following the detailed project planning, a new version of the Councils' joint Local Development Scheme (LDS) will need to be prepared and brought back to a future meeting of both Councils for formal adoption. The LDS sets out the development plan documents that the Councils propose to prepare over the next 3 years with an indicative timetable for key stages in their preparation. The LDS (adopted 2016) requires updating as it is currently out of date. Progress against the LDS timetable will need to be reported in future joint Authority Monitoring Reports (AMR).

Plan Period

- 4.12 National planning policy (paragraph 22; National Planning Policy Framework) requires that strategic policies in a local plan should look ahead over a minimum of 15 year period from date of adoption. On the basis of seeking to adopt a new local plan by the end of 2023 in order to meet the Government's deadline, this would result in an end date for the plan period of 2038. This would however not provide for any flexibility or delay and comes with associated risks.
- 4.13 A later end date and a longer plan period can be adopted; however, such an approach, would likely result in the need to plan for higher housing and employment land requirements, which would need to be identified and allocated. Conversely, the proposed planning reforms advocate a shorter 10 year plan period, although there is no certainty that this proposal will remain unchanged. Regardless of plan period, the Local Plan would currently need to be reviewed again within 5 years of its adoption.
- 4.14 At this stage there is significant uncertainty as to when the Government are likely to introduce the planning reforms arising from the recent White Paper or what proposals may be taken forward. It is anticipated that the reforms will take a number of years to be worked up, evolve into revised national policy, primary and secondary legislation and be brought into force. Whilst the Government is clear that plan-making activity should not stop or slow in response to the proposed reforms, the Councils need to plan the programme of work carefully to respond to the direction of travel and to avoid unnecessary or abortive work.
- 4.15 The White Paper proposes to speed up plan preparation however many parties currently have significant reservations about the achievability of what is proposed.
- 4.16 Given the above, the plan period will only be able to be fully established when more detailed project planning has been completed and there is more certainty on the direction of travel on future housing numbers and wider planning reforms.

Governance

- 4.17 It is important that the local plan review is subject to robust governance arrangements to ensure appropriate oversight, scrutiny and engagement whilst balancing that requirement with a need for an efficient and effective process. The preparation of the current Local Plan was steered by the joint Local Plan Working Group, which discussed the draft policy options, policy wording, and evidence documents informally prior to being agreed formally and separately by each Council. This approach steered towards a draft document that was likely to be acceptable to both Councils, was broadly consistent in terms of its approach for different settlements whilst enabling each district to recognise local distinctiveness and include specific approaches tailored to individual places.
- 4.18 This approach has worked effectively minimising the number of reports to be taken to formal committees, however it has the effect of restricting active ongoing engagement to a limited number of members (currently a total of eight – four from each Council). In order to enable all members to become more engaged in the

process, amended terms of reference for the joint Local Plan Working Group were agreed by both Councils in Spring 2019. This enables all members to attend the Working Group on an informal basis and to participate in discussions (but not vote) at the Chairman's discretion.

- 4.19 Whilst the working group has clearly provided an effective tool during the preparation of the adopted North Devon and Torridge Local Plan, it is considered appropriate to review comprehensively the options for the governance of future plan making activity to ensure that it provides the best possible approach. Officers recommend that, should a commitment to joint plan making be forthcoming from the consideration of this report, then a review of governance options is completed, with recommendations brought back to members at a future date. This could, for example, include consideration of: project champions - member and senior officer(s); a formal joint committee with appropriate delegated authority from both Councils (as enabled through the Planning and Compulsory Purchase Act 2004); single or multiple working groups.

Early Engagement

- 4.20 Active engagement with all elected Members from both Councils will need to commence at an early stage to enable them to identify key issues and options to be addressed within a new Local Plan, whilst identifying any particular approaches, policies or policy gaps they wish to be considered. Members may also need to identify a draft joint spatial vision – what the plan seeks to achieve both across northern Devon and more locally over the plan period. The vision will need to consider how it can help to deliver wider corporate visions and strategic objectives.

Sustainability Appraisal

- 4.21 The Sustainability Appraisal Framework will need to be updated, setting out the list of objectives and indicators against which the relative sustainability of draft policies and policy options will be assessed through the Sustainability Appraisal. A draft framework needs to be agreed with the Environment Agency, Natural England and Historic England. It will need to consider changes necessary to recognise declaration of climate and biodiversity emergencies, the Devon Carbon Plan and any changes to national and local context such as consideration of natural capital as a result of the 25 Year Environment Plan and the Government's proposed direction of travel on environmental assessments.

5 RESOURCE IMPLICATIONS

- 5.1 The preparation of a new Local Plan will form a principal part of the work programmes for both Councils' planning policy teams over the next few years. However, both teams are relatively small with no excess capacity – recognising their other work commitments such as the extensive monitoring commitments, assisting with neighbourhood plans and providing strategic planning input on corporate projects and planning applications. Additional capacity will likely be required to deliver the Local Plan review within required timeframes although the specific extent, nature

and associated cost cannot be quantified at this stage. Local Plan preparation will need to be identified within service plans when they are next reviewed.

- 5.2 The technical evidence required to inform a local plan will require additional budget in order to allow for the commissioning of necessary reports from consultants. Most reports will be procured and funded jointly, with costs split between the two Councils. It is not possible to currently quantify the likely cost of this work.
- 5.3 Once the Local Plan is submitted for examination (in a few years' time) there will be costs arising from the Planning Inspectorate and the appointment of a temporary Programme Officer.

6 SUSTAINABILITY IMPLICATIONS

- 6.1 Section 39 of the Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to exercise their functions in relation to plan making with the objective of contributing to the achievement of sustainable development. The preparation of a new Local Plan provides the Council with the opportunity to guide how northern Devon should develop in a sustainable manner.
- 6.2 A Sustainability Appraisal report will need to be produced alongside the Local Plan to demonstrate how the sustainability of alternative sites and policy options have been considered and assessed as part of policy development.

7 EQUALITY AND HUMAN RIGHTS

- 7.1 A full Equality and Diversity Impact Assessment will need to be prepared at each stage of Local Plan preparation.

8 CONSTITUTIONAL CONTEXT

Article and paragraph	Appendix and paragraph	Referred or delegated power?	A key decision?	In the Forward Plan?
Part 2, Article 4, 4.5.2		Referred	Yes	Yes

9 STATEMENT OF CONFIDENTIALITY

- 9.1 This report contains no confidential information.

10 BACKGROUND PAPERS

- 10.1 The following background papers have been used in the preparation of this report:
- Town and Country Planning Act (1990) as amended
 - Planning and Compulsory Purchase Act (2004) as amended
 - Planning Act (2008) as amended

- National Planning Policy Framework (2018)
- Planning Practice Guidance (updated online)
- Town & Country Planning (Local Planning) (England) Regulations 2012
- North Devon and Torridge Local Plan 2011 – 2031 (adopted October 2018)
- North Devon and Torridge District Council's Local Development Scheme (2016)
- Planning for the Future – White Paper (MHCLG, August 2020)

10.2 Background papers will be available for inspection and will be kept by the author of the report.

11 STATEMENT OF INTERNAL ADVICE

11.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Executive Member: Councillor Malcolm Prowse
Author: Andrew Austen
Reference: S&R 2 November 20 (Local Plan review)

Date: 6 October 2020

APPENDIX A – INDICATIVE EVIDENCE BASE REQUIREMENTS

This is an indicative list of the types of technical evidence reports that will be needed to inform local plan preparation, although the list may change as a result of the white paper. Most of these documents will need to be commissioned from consultants, with the remainder being prepared by officers.

Evidence / Assessment	Purpose
Housing and Economic Development needs assessment	To ensure the proposed level of economic growth balances the level of housing growth
Strategic Housing and Employment Land Availability Assessment	To identify where land is potentially available, suitable and achievable for future housing and economic development
Retail and Leisure assessment	To identify the future needs for types, quantities and distribution of retail and leisure activities
CACI Paycheck data	To obtain updated data on the levels and distribution of household incomes
Disability assessment (??)	To identify the number and proportion of new homes that need to accommodate particular needs
Viability assessment	To assess the overall viability of development as a result of local plan policy requirements as a whole. It will also identify the level of affordable housing which it is viable for development to support
Settlement Hierarchy assessment	To update the range of services and facilities in all settlements and to identify how these settlement fit within a wider hierarchy of settlements
Landscape Character assessment	To update the key characteristics of different landscape character areas and manage and conserve them
Nature Recovery Network	To identify the strategic network for nature improvement across Devon
Heritage assessment	To identify the different heritage assets and how they will be enhanced or safeguarded through policies
Level 1 Strategic flood risk assessment	To update the distribution of areas across the plan area that at risk of coastal, fluvial and surface water flooding
Coastal Change Management Areas	To identify the areas along the coastline and around the estuary that are at risk of future flooding and/or erosion based on the latest climate change projections